

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICK J. VERMURLEN and
SHERRIE R. VERMURLEN,

Plaintiffs,

v.

Case No. 1:06-cv-828

AMERIQUEST MORTGAGE
COMPANY, AMC MORTGAGE SERVICES,
DEUTSCHE BANK NATIONAL TRUST
COMPANY, and AMERIQUEST MORTGAGE
SECURITIES, INC.

Hon. Wendell A. Miles

Defendants.

ORDER MODIFYING JUDGMENT AND GRANTING MOTION
TO STAY THIS PROCEEDING

This matter is before the court on Defendants' "Motion to Stay Action Pending Outcome of 28 U.S.C. § 1407 Motion to Transfer Action as a Case Related to MDL No. 1715" (docket #28), and Motion for Reconsideration (docket #32). Both motions are unopposed. For the reasons that follow, the court grants both motions.

Plaintiffs brought this action in the Ottawa County Circuit Court raising a claim under the Truth in Lending Act, 15 U.S.C. § 1635, and three claims under Michigan law. Defendants removed the case to this court on November 22, 2006. On October 9, 2007, the court granted summary judgment to Defendants on Plaintiffs' claim under the Truth in Lending Act, dismissed Plaintiffs' claim under the Michigan Consumer Protection Act, MCL § 445.903(o), and

remanded the case to the Ottawa County Circuit Court for resolution of their claims of breach of contract and violation of the Michigan Mortgage Brokers, Lenders and Services Lending Act, MCL § 445.1672(b). The case was closed and a certified copy of the order of remand was mailed to the Ottawa Circuit Court on October 10, 2007.

In their motion for reconsideration, Defendants correctly state that this case was removed from state court based upon both federal question and diversity jurisdiction (see docket #1). Accordingly, remanding this matter to the state court for resolving state law claims is not warranted.

In their motion to stay proceedings, Defendants advise that there is multi-district litigation (MDL) pending in the Northern District of Illinois (In re Ameriquest Mortgage Lending Litigation, MDL 1715 (N.D. Ill)). Defendants have filed a motion in that case to transfer the instant case to the MDL action as a “tag along action.” The court finds that in the interest of judicial economy and efficiency, it is appropriate to stay this case until it is determined whether it will be included in the MDL litigation.

CONCLUSION

Based upon the foregoing:

Defendants’ Motion for Reconsideration (docket #32) is GRANTED. The order remanding this action to the Ottawa County Circuit Court is VACATED, and the Clerk of the Court is directed to REOPEN this case; further,

Defendants’ “Motion to Stay Action Pending Outcome of 28 U.S.C. § 1407 Motion to Transfer Action as a Case Related to MDL No. 1715” (docket #28) is GRANTED. All

proceedings in this case are STAYED until the Multi-District Litigation panel determines whether this case shall be transferred to In re Ameritrust Mortgage Lending Litigation, MDL 1715 (N.D. Ill.).

So ordered this 22nd day of October, 2007.

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge